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10 **IN THE UNITED STATES DISTRICT COURT**

11 **FOR THE DISTRICT OF NEVADA**

12 WILLIAM SHELDON BEAVER,)
13 Plaintiff,)
14 vs.)
15 MARSHAL B. JOHNSON, P# 225, CLARK)
COUNTY, NEVADA; DISTRICT COURT)
MARSHAL'S OFFICE,)
17 Defendants.)
18

Case No. 2:09-CV-02415-RLH-RJJ

DEFENDANTS' MOTION TO SEAL
EXHIBITS

19 Defendants, MARSHAL B. JOHNSON, CLARK COUNTY, and DISTRICT COURT
20 MARSHAL'S OFFICE ("Defendants"), by and through undersigned counsel, hereby request that
21 Exhibits A, D, E and F attached to Defendants' Motion for Summary Judgment (Doc. #16), filed on
22 March 25, 2011, in the above-entitled action, be sealed for the reasons set forth in the accompanying
23 Memorandum of Points and Authorities.

24 Respectfully submitted this 31st day of March, 2011

25 CATHERINE CORTEZ MASTO
26 Attorney General

27 By: /s/ Timothy F. Andrews
TIMOTHY F. ANDREWS
Senior Deputy Attorney General
Nevada Office of the Attorney General

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. FACTS AND PROCEDURAL HISTORY**

3 Plaintiff William Beaver (“Plaintiff”), has an action pending in this Court against Clark County,
4 its District Court Marshal’s Office, and employee Marshal B. Johnson (“Defendants”). The action
5 stems from an assault that Mr. Johnson allegedly committed on Plaintiff while Plaintiff was at the
6 Family Court and Services Center on November 1, 2007. (Doc. #1-2). Defendants filed a motion for
7 summary judgment on March 25, 2011 and inadvertently failed to redact certain personal information
8 contained in Exhibits A, D, E and F to the motion (Doc. #16). Defendants now respectfully request that
9 the Court issue an order sealing the aforementioned exhibits.

10 **II. LAW AND ANALYSIS**

11 Information regarding an individual’s date of birth and social security number must be redacted
12 from a document before it is filed with the Court. Fed.R.Civ.P. 5.2(a). In the instant case, Exhibits A,
13 D, E and F all contain information that should have been but was inadvertently not redacted. In such
14 circumstances, the appropriate remedy should be to seal the documents containing an individual’s
15 sensitive information. See *Rodriguez v. Niagara Cleaning Services, Inc.*, 2010 WL 3781295
16 (S.D.Fla.,2010)(unpublished opinion)(holding appropriate remedy for defendants’ filing unredacted
17 document is not to strike the pleading at issue but to seal those documents in the pleading that
18 improperly allowed Plaintiffs' personal information to be viewed by the public).

III. CONCLUSION

Defendants regret the inadvertent disclosure of sensitive information included in the exhibits to their motion for summary judgment and respectfully request that the Court order Exhibits A, D, E and F attached to the motion (Doc. #16), be sealed so as to comport with Fed.R.Civ.P. 5.2.

Respectfully submitted this 31st day of March, 2011.

CATHERINE CORTEZ MASTO
Attorney General

By: /s/ Timothy F. Andrews
TIMOTHY F. ANDREWS
Senior Deputy Attorney General
Nevada Office of the Attorney General

IT IS SO ORDERED.

CHIEF UNITED STATES DISTRICT JUDGE

DATED: March 31, 2011

CERTIFICATE OF SERVICE

I, hereby certify that I am an employee of the Office of the Attorney General and that on the 31st day of March, 2011, I served the foregoing **DEFENDANTS' MOTION TO SEAL EXHIBITS** by causing a true and correct copy thereof to be filed with the Clerk of the Court using the CM/ECF system and by causing to be delivered to the Department of General Services for mailing at Las Vegas, Nevada, a true copy thereof addressed to:

Robert J. Kossack, Esq.
KOSSACK LAW OFFICES
4535 W. Sahara Avenue, Suite 101
Las Vegas, Nevada 89102
Attorneys for Plaintiff

/s/ Stacy K. Pinegar
An employee of the Office of the Attorney General